

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE AEGEAN MARINE PETROLEUM
NETWORK, INC. SECURITIES LITIGATION

18 Civ. 04993 (NRB)

**PARTIES' PROPOSED PAGE LIMIT PROTOCOL FOR DEFENDANTS'
ANTICIPATED MOTIONS TO DISMISS THE CONSOLIDATED CLASS ACTION
COMPLAINT AND RELATED BRIEFING**

In response to the Court's November 18, 2019 Order, ECF No. 145 (the "Order"), Lead Plaintiff Utah Retirement Systems ("Plaintiff") and Defendants Deloitte & Touche LLP, Deloitte Certified Public Accountants, S.A., Deloitte Touche Tohmatsu Limited, Peter C. Georgiopoulos, George Konomos, Dimitris Melissanidis, PricewaterhouseCoopers International Limited, PricewaterhouseCoopers LLP, PricewaterhouseCoopers S.A., E. Nikolas Tavlarios, and John P. Tavlarios (collectively, the "Moving Defendants," and together with Plaintiff, the "Parties") respectfully submit the following proposed page limits for briefing on Defendants' anticipated motions to dismiss Plaintiff's Consolidated Class Action Complaint, ECF No. 81 (the "Complaint"). All parties who have appeared in this case via counsel have consented to this protocol.¹

A. Defendants' Moving Briefs

The Complaint is 220 pages and asserts claims against 16 different defendants under eight different theories of liability across a putative class period of nearly five years. To avoid repetitive

¹ Although Defendants Spyridon Fokas and Jonathan McIlroy have been served, no counsel has appeared on their behalf, and they have not joined in this filing. Additionally, Plaintiff states that it has yet to complete service of Spyros Gianniotis, Konstantinos D. Koutsomitopoulos, and Yiannis N. Papanicolaou.

briefing on legal issues by parties facing similar theories of liability, the Moving Defendants believe the most efficient way to proceed is to organize their motions to dismiss into joint briefs that roughly parallel the theories of liability asserted in the Complaint with similarly situated entities submitting joint briefs. Therefore, the Moving Defendants propose the following page limits (exclusive of exhibits) for their anticipated motions to dismiss, listed in the order in which the parties are listed in the Table of Contents of the Complaint:

- 35 pages combined for Defendant Dimitris Melissanidis.
 - Mr. Melissanidis was the founder, principal shareholder and Head of Corporate Development of Aegean Marine Petroleum Network Inc. (“Aegean”). This brief will address the claims against Mr. Melissanidis under Sections 10(b), 20(b) and 20A and Rules 10b-5(a) and (c) of the Exchange Act in Counts 2, 3, 5, and 6 of the Complaint.
- 40 pages combined for Defendants Peter C. Georgiopoulos, George Konomos, E. Nikolas Tavlarios, and John P. Tavlarios.
 - These individuals were directors or officers of Aegean based in the United States. This brief will address the claims asserted against them under Sections 10(b) and 20(a) and Rules 10b-5(a), (b), and (c) of the Exchange Act in Counts 1, 2, 3, and 4 of the Complaint.
- 40 pages combined for Defendants Deloitte Certified Public Accountants, S.A. (“Deloitte Greece”) and PricewaterhouseCoopers S.A. (“PwC Greece”)
 - These entities are accounting firms based in Greece that each served as Aegean’s independent auditor during a portion of the Class Period. This brief will address the claims asserted against them under Section 10(b) and Rule 10b-5(b) of the Exchange Act in Count 7 of the Complaint;
- 25 pages combined for Defendants Deloitte & Touche LLP and PricewaterhouseCoopers LLP
 - These entities are accounting firms based in the United States that are alleged to be “control persons” of Deloitte Greece and PwC Greece, respectively. This brief will address the claims asserted against them under Section 20(a) of the Exchange Act in Count 8 of the Complaint.
- 20 pages combined for Defendants Deloitte Touche Tohmatsu Limited and PricewaterhouseCoopers International Limited

- These entities are private companies that do not provide accounting or other client services and are alleged to be “control persons” of Deloitte Greece and PwC Greece, respectively. This brief will address the claims asserted against them under Section 20(a) of the Exchange Act in Count 8 of the Complaint.

* * *

The foregoing briefing represents a total of 160 pages. If each Moving Defendant filed their own memorandum of law in support of their motion to dismiss pursuant to Rule 2(D) of the Court’s Individual Practices, such briefs would have totaled 275 pages in the aggregate.

B. Plaintiff’s Opposition Brief(s)

In response to Moving Defendants’ proposal, which it finds acceptable, Lead Plaintiff proposes that it be permitted to submit up to 160 pages of opposition briefing in the aggregate (reflecting the total number of pages provided to the Moving Defendants) to be divided or combined in one consolidated brief at Plaintiff’s discretion after reviewing the Moving Defendants’ opening briefs.

C. Defendants’ Reply Brief(s)

The Moving Defendants propose that they be permitted to file reply briefs of no more than one half the page limits of their moving briefs in response to Plaintiff’s opposition brief(s) unless some other configuration is warranted in light of the substance and/or structure of those opposition papers.

* * *

Finally, the Parties respectfully request the right to seek modifications to the applicable page limit protocol with respect to Plaintiffs’ Opposition Brief(s) and Defendants Reply Briefs after receiving the respective brief(s) to which those filings will respond.

Dated: January 10, 2020

Respectfully submitted,

BERMAN TABACCO

By: /s/ Nicole Lavallee²

Joseph J. Tabacco, Jr.
Nicole Lavallee (*pro hac vice*)
Christopher T. Heffelfinger
A. Chowning Poppler (*pro hac vice*)
44 Montgomery Street, Suite 650
San Francisco, California 94104
Tel: (415) 433-3200
Fax: (415) 433-6382
jtabacco@bermantabacco.com
nlavallee@bermantabacco.com
cheffelfinger@bermantabacco.com
cpoppler@bermantabacco.com

*Attorneys for Lead Plaintiff Utah Retirement
Systems*

HUGHES HUBBARD & REED LLP

By: /s/ Kenneth M. Katz

William R. Maguire
Kenneth M. Katz
One Battery Park Plaza
New York, New York 10004
Tel: (212) 837-6000
bill.maguire@hugheshubbard.com
ken.katz@hugheshubbard.com

*Attorneys for Defendant Deloitte & Touche
LLP*

² This filing uses electronic signatures with consent of counsel in accordance with Rule 8.5(b) of the Court's ECF Rules and Instructions.

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: /s/ Thomas N. Kidera

Robert G. Cohen
Thomas N. Kidera
51 West 52nd Street
New York, New York 10019
Tel: (212) 506-5000
Fax: (212) 506-5151
rgcohen@orrick.com
tkidera@orrick.com

*Attorneys for Defendant Deloitte Certified
Public Accountants, S.A.*

SIDLEY AUSTIN LLP

By: /s/ Melissa Colón-Bosolet

Melissa Colón-Bosolet
787 Seventh Avenue
New York, New York 10019
Tel: (212) 839-5300
Fax: (212) 839-5599
mcolon-bosolet@sidley.com

David A. Gordon (*pro hac vice*)
Heather Benzmilller Sultanian (*pro hac vice*
pending)
One South Dearborn
Chicago, Illinois 60603
Tel: (312) 853-7000
Fax: (312) 853-7036
dgordon@sidley.com
hsultanian@sidley.com

Michael D. Warden (*pro hac vice*)
1501 K Street NW
Washington, District of Columbia 20005
Tel: (202) 736-8000
Fax: (202) 736-8711
mwarden@sidley.com

*Attorneys for Defendant Deloitte Touche
Tohmatsu Limited*

SHER TREMONTE LLP

By: /s/ Amanda Ravich

Michael Tremonte
Amanda Ravich
90 Broad Street, 23rd Floor
New York, New York 10004
Tel: (212) 202-2600
Fax: (212) 202-4156
mtremonte@shertremonte.com
aravich@shertremonte.com

*Attorneys for Defendant Peter C.
Georgiopoulos*

SHAPIRO ARATO BACH LLP

By: /s/ Eric Olney

Jonathan Bach
Eric Olney
500 Fifth Avenue, 40th Floor
New York, New York 10110
Tel: (212) 257-4880
Fax: (212) 202-6417
jbach@shapiroarato.com
eolney@shapiroarato.com

Attorneys for Defendant George Konomos

BOIES SCHILLER FLEXNER LLP

By: /s/ Matthew L. Schwartz

Jonathan D. Schiller
Matthew L. Schwartz
Sara K. Winik
55 Hudson Yards
New York, New York 10001
Tel: (212) 446-2300
Fax: (212) 446-2350
jschiller@bsfllp.com
mlschwartz@bsfllp.com
swinik@bsfllp.com

*Attorneys for Defendant Dimitris
Melissanidis*

KING & SPALDING LLP

By: /s/ J. Emmett Murphy

James J. Capra, Jr.
J. Emmett Murphy
1185 Avenue of the Americas, 34th Floor
New York, New York 10036
Tel: (212) 556-2100
jcapra@kslaw.com
jemurphy@kslaw.com

*Attorneys for Defendant
PricewaterhouseCoopers International
Limited*

LATHAM & WATKINS LLP

By: /s/ Jason C. Hegt

Jamie L. Wine
Jason C. Hegt
885 Third Avenue
New York, New York 10022
Tel: (212) 906-1200
Fax: (212) 751-4864
jamie.wine@lw.com
jason.hegt@lw.com

*Attorneys for Defendant
PricewaterhouseCoopers LLP*

**WILMER CUTLER PICKERING HALE AND
DORR LLP**

By: /s/ Brad E. Konstandt

Brad E. Konstandt
7 World Trade Center
250 Greenwich Street
New York, New York 10007
Tel: (212) 230-8800
brad.konstandt@wilmerhale.com

Christopher Davies
Leila Ameli-Grillon
1875 Pennsylvania Avenue, NW
Washington, District of Columbia 20006
Tel: (202) 663-6000
christopher.davies@wilmerhale.com
leila.ameli-grillon@wilmerhale.com

*Attorneys for Defendant
PricewaterhouseCoopers S.A.*

**PATTERSON BELKNAP WEBB & TYLER
LLP**

By: /s/ Joshua A. Goldberg

Joshua A. Goldberg
1133 Avenue of the Americas
New York, New York 10036
Tel: (212) 336-2000
Fax: (212) 336-2222
jgoldberg@pbwt.com

*Attorneys for Defendant E. Nikolas
Tavlarios*

COHEN & GRESSER LLP

By: /s/ Jonathan S. Abernethy

Jonathan S. Abernethy
Joanna K. Chan
800 Third Avenue
New York, New York 10022
Tel: (212) 957-7600
Fax: (212) 957-4514
jabernethy@cohengresser.com
jchan@cohengresser.com

Attorneys for Defendant John P. Tavlarios

So Ordered
Kamini Lucia Buchwald, USDS
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